

Appl. No. 10/577,993
Amtd. dated January 29, 2008
Reply to Office action of October 29, 2007

REMARKS

Claims 9, 10, 13-14, 17-18, 20, 22-23, 25 and 27-28, plus new claims 29-30 are now in this application.

The examiner rejected claims 12-14 under 35 USC 112. Claim 12 has been canceled, and claims 13-14 have been amended to overcome this rejection.

Claim 9 has been amended to overcome the rejection of claims 9, 12, 13-14, 17-18, 20, and 28. Clearly the Ribani et al reference does not have partitions which are **integrally formed** with a respective guide flap.

The Ribani et al reference also only shows one guide flap 106. Ribani et al does not teach, or in any way make obvious, plural guide flaps as required by claim 9. And even more particularly, Ribani et al does not teach that such **plural** guide flaps, which are each assigned to one capsule receptacle, should each have two guideways.

And still further, Ribani et al does not teach that each guide flap should cooperate with two rows of capsule receptacles as recited in claim 9.

It appears to applicants that the examiner is using hindsight when combining the Ribani et al and Yamamoto reference. To modify the structure of the Ribani et al reference as set forth by the examiner would require a complete change in the Ribani et al structure, and such a complete change would be so radical a change that it would clearly be a non-obvious change.

Applicants also feel that the examiner's statement of the rejection of claim 10 does not follow from the disclosure of Ribani et al. Since the lever 106 of the Ribani et al

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reference is interfulcrumed at 110, and is connected at 111 to the slotted end of lever 112, it would not be possible for the levers 106 of Ribani et al to be supported on a common support shaft. This interpretation is specifically supported by Ribani et al at column 8, lines 15-20, wherein Ribani et al describe how their door 106 is mounted and how it operates.

Applicants also do not agree with the examiner's rejection of claims 22-23, 25, and 27 as being a matter of obvious design choice. In the absence of any cited prior art of the recited pneumatic cylinder, the examiner is again clearly using hindsight to reject the claims. It is inappropriate for the examiner to simply say that using a pneumatic cylinder would be obvious, especially since there is no teaching of record, and no cogent line of reasoning presented by the examiner which supports this presumption. All that the examiner has expressed along this line seems to be that "One of ordinary skill in the art because an electrical actuator as taught by Rinani et al (it is assumed the examiner meant Ribani et al) would perform equally well." This is not a statement that applicants' pneumatic actuator is obvious, but rather that an electrical actuator would have been obvious.

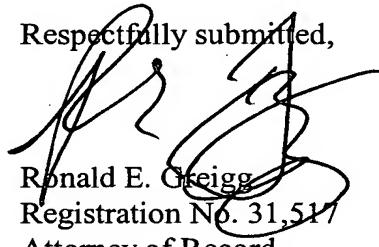
A further essential contribution to the compact design of the presently recited apparatus is the fact that a plurality of guide flaps are arranged in such a way, as specified in the last line of claim 9, in claim 10, and also in new claims 29 and 30, that the adjacent back wall of one of the guide flaps also serves to provide capsule guidance for any capsules operated on by the adjacent guide flap. As a result, the guide flaps can be disposed in a very compact, space-saving way relative to one another, again as set forth on the last line of claim

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9, and even more particularly as specified by the language of claim 10 and new claims 29 and 30.

Accordingly, for the reasons as specified above, whether taken singly or in combination, entry of the amendment and allowance of the claims are respectfully solicited.

Respectfully submitted,



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